8. *Amendment of section* 96, *Tamil Nadu Act* 53 *of* 1961.—In section 96 of the principal Act, in sub-section (2), in clause (*a*), for the expression "decision under sub-section (6) of section 28", the expression "decision under sub-section (4) of the section 18 or sub-section (6) of section 28" shall be substituted.

9. Amendment of section 107, Tamil Nadu Act 53 of 1961.—In section 107 of the principal Act, in sub-section (1),—

(1) the words "at a general meeting of the society" shall be omitted ;

(2) for the words "by the committee which has been reconstituted or superseded", the words "by the committee which was functioning immediately before such reconstitution or by the committee which has been superseded" shall be substituted.

10. *Amendment of section* 111, *Tamil Nadu Act* 53 *of* 1961.—In section 111 of the principal Act, in clause (*a*), after the words "provisions of this Act", the words "or of the rules" shall be inserted.

இணைப்பு IV

[436 ஆம் பக்கத்தில் இனம் 4 (5)-க்கான அடிக்குறிப்பைக் காண்க.]

L.A. Bill No. 52 of 1975.

(As passed by the Assembly)

A Bill further to amend the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.

Be it enacted by the Legislature of the State of Tamil Nadu in the Twenty-sixth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1975.

(2) Section 11 shall be deemed to have come into force on the 1st July 1975.

2. *Substitution of section* 3, *Tamil Nadu Act* 22 *of* 1959.—For section 3 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959) (hereinafter referred to as the principal Act), the following section shall be substituted, namely:—

" 3. *Power to extend the Act to Hindu or Jain public charitable endowments.*—(1) Notwithstanding anything contained in any other law for the time being in force or in any decree, judgment or order of any Court, the Government may, by notification, extend to any Hindu or Jain public charitable endowment all or any of the provisions of this Act and of any rules made thereunder and thereupon the provisions so extended shall apply to such charitable endowment as if it were a specific endowment:

Provided that before issuing such a notification the Government shall issue a notice to the persons interested in the charitable endowment concerned to show cause against the issue of the notification and shall consider their objections, if any.

(2) Notwithstanding anything contained in this section, the Government may, on application made by the trustee of any Hindu or Jain public charitable endowment, or where there are more trustees than one, then by those trustees or a majority of them and with the concurrence by the trustee or trustees making the application extend, by notification, to such charitable endowment all or any of the provisions of this Act and of any rules made thereunder, and thereupon, the provisions so extended shall apply to such charitable endowment as if it were a specific endowment.".

3. *Amendment of section* 6, *Tamil Nadu Act* 22 *of* 1959.—In section 6 of the principal Act,—

(i) in clause (5),—

(*a*) after the words " the Hindu or the Jain community or any section thereof", the brackets and words " (notwithstanding

that such community or section consists of both Hindus and non-Hindus or Jains and non-Jains)" shall be inserted;

(*b*) the following *Explanations* shall be added at the end, namely:—

"*Explanation I.*—'Charitable endowment or institution' for the purpose of this clause, shall include any charitable endowment or institution in respect of which a scheme has been settled by the Court under section 92 of the Code of Civil Procedure, 1908 (Central Act V of 1908).

Explanation II.—For the purpose of this clause, charitable endowment or institution shall include every charitable endowment or institution, the administration of which is for the time being vested in any officer of the Government (including the Official Trustee) or in any department of Government, or Civil Court, panchayat union, municipality or other local authority or any company, society, organisation, institution or other person or body of persons.

Explanation III.—Any property which belonged to, or was, given or endowed for the support or maintenance of, a charitable institution or which was given, endowed or used as of right for any charitable purpose shall be deemed to be a charitable endowment within the meaning of this clause, notwithstanding that before or after the date of publication of the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1975 in the *Tamil Nadu Government Gazette* the charitable institution has ceased to exist or ceased to be used for any charitable purpose or the charity has ceased to be performed.".

4. *Amendment of section* 35, *Tamil Nadu Act* 22 *of* 1959.—In section 35 of the principal Act,—

(i) in the marginal heading, for the expression "*training of archakas, etc.*", the expression "*training of archakas, propagation of Hindu Religion, etc.*", shall be substituted;

(ii) in sub-section (1), after clause (*b*), the following clause shall be added, namely:—

" (*c*) for the propagation of Hindu religion, philosophy and sastras, by the Tamil Nadu Deivika Peravai.

Explanation.—For the purpose of this clause " Tamil Nadu Deivika Peravai " means the Tamil Nadu Deivika Peravai registered under the Societies Registration Act, 1860 (Central Act XXI of 1860).".

5. *Amendment of section* 36, *Tamil Nadu Act* 22 *of* 1959.—In section 36 of the principal Act, in item (ii), for the expression " the arrangements and the training ", the expression " the arrangements, the training and the propagation " shall be substituted.

6. *Amendment of section* 45, *Tamil Nadu Act* 22 *of* 1959.—In sub-section (1) of section 45 of the principal Act, for the words " Notwithstanding anything contained in this Act ", the words " Notwithstanding anything contained in this Act, or in any scheme settled under this Act or any decree, judgment or order of any Court or in any other law for the time being in force " shall be substituted.

7. *Amendment of section* 47, *Tamil Nadu Act* 22 *of* 1959.—For sub-section (2) of section 47 of the principal Act, the following sub-section shall be substituted, namely:—

" (2) In the case of an institution included in the list published under section 46 having a hereditary trustee or trustees, the Commissioner may, after notice to such hereditary trustee or trustees, by order appoint such number of non-hereditary trustees as he thinks necessary:

Provided that no such notice shall be necessary in the case of any appointment of any non-hereditary trustee or trustees under a scheme settled or deemed to have been settled under this Act and where such scheme does not provide for such notice.".

8. *Insertion of new section 49-B in Tamil Nadu Act* 22 *of* 1959.—After section 49-A of the principal Act, the following section shall be inserted, namely:—

" 49-B. *Dissolution of the Board of Trustees*.—(1) Where at any time it appears to the Government that any Board of Trustees constituted under sub-section (1) of section 47 or under sub-section (1) of section 49 or under sub-section (2) of section 49-A has failed to discharge the duties or perform the functions under this Act or the rules made thereunder or has exceeded or abused any of the powers conferred upon it by or under this Act, resulting in material loss or loss of prestige to the religious institution concerned, the Government may communicate the particulars thereof to such Board of Trustees and if such Board of Trustees fails to remedy such defect, excess or abuse or to give a satisfactory explanation therefor within such time as the Government may specify in this behalf, the Government may, by order dissolve the Board of Trustees and declare that the duties, powers and functions of such Board of Trustees shall, during the period of its dissolution, be discharged, exercised and performed by such person or trustee, as may be specified in such order; and a copy of such order shall be communicated to the Chairman of such Board of Trustees:

Provided that the Government shall, before dissolving the Board of Trustees, give reasonable opportunity to it to show cause against the proposed action.

(2) The Commissioner shall take steps for the reconstitution of the Board of Trustees for the religious institution concerned in accordance with the provisions of sub-section (1) of section 47, within such time as may be prescribed, if such religious institution is one for which he has the power to appoint the Board of Trustees either under sub-section (1) of section 47 or under sub-section (2) of section 49-A.

(3) The Assistant Commissioner shall take steps for the reconstitution of the Board of Trustees for the religious institution concerned in accordance with the provisions of sub-

section (1) of section 49, within such time as may be prescribed, if such religious institution is one for which he has the power to appoint the Board of Trustees under sub-section (1) of section 49.".

9. *Amendment of section* 55, *Tamil Nadu Act* 22 *of* 1959.—In section 55 of the principal Act,—

(i) for sub-section (1) and the *Explanation* thereto, the following sub-section shall be substituted, namely:—

"(1) Notwithstanding anything contained in section 28, vacancies, whether permanent or temporary, among the office-holders or servants of a religious institution shall be filled up by the competent authority:

Provided that atleast one of such vacancies shall be filled up by a person belonging to the Scheduled Castes or Scheduled Tribes, if a qualified person of the Scheduled Castes or Scheduled Tribes is available and the usage of the religious institution concerned does not prohibit such filling up.

Explanation I.—The expression "office-holders or servants" shall include archakas and pujaries.

Explanation II. For the purpose of this sub-section 'Scheduled Castes' and 'Scheduled Tribes' shall have the same meanings as in the Constitution of India.";

(ii) in sub-section (4), for the expression "the trustee" the expression "the competent authority" shall be substituted, and the words "and in the case of an order of competent authority of the rank of Deputy Commissioner, to the Commissioner" shall be added at the end.

10. *Substitution of section* 56, *Tamil Nad Act* 22 *of* 1959.—For section 56 of the principal Act, the following section shall be substituted, namely:—

" 56. *Punishment of office-holders and servants in religious institutions.*—(1) Notwithstanding anything contained in section 28, all office-holders and servants attached to a religious institution or in receipt of any emolument or perquisite therefrom shall be controlled by the competent authority, and the competent authority may, after following the prescribed procedure, if any, fine, suspend, remove or dismiss any of them for breach of trust, incapacity, disobedience of order, neglect of duty, misconduct or other sufficient cause.

(2) Any office-holder or servant punished by the competent authority under sub-section (1) may, within one month from the date of the receipt of the order by him, appeal against the order to the Deputy Commissioner and in the case of an order of competent authority of the rank of Deputy Commissioner, to the Commissioner.

Explanation.—In section 55 and in this section, ' Competent authority means the executive officer of the religious institution concerned, if there is any such executive officer, and in other cases where there is no executive officer the Chairman of the Board of Trustees if there is a Board of Trustees, or as the case may be, the trustee of the religious institution concerned.".

11. *Amendment of section* 92, *Tamil Nadu Act* 22 *of* 1959.—In section 92 of the principal Act, in sub-section (2), for the expression " one and a half per centum ", the expression " three and a half per centum " shall be substituted.

12. *Amendment of section* 118, *Tamil Nadu Act* 22 *of* 1959.—In section 118 of the principal Act, in sub-section (2), in clause (n), after the words " and shall have effect accordingly ", occurring at the end, the following shall be added, namely:—

" and all schemes settled or modified by a Court of law under the said Act or under section 92 of the Code of Civil Procedure, 1908 (Central Act V of 1908), shall be deemed to have been settled or modified by the Court under this Act and shall have effect accordingly ;".

13. *Insertion of new section 118-A in Tamil Nadu Act 22 of 1959.*—After section 118 of the principal Act, the following section shall be inserted, namely:—

"118-A.—*Power of Commissioner, Deputy Commissioner or Assistant Commissioner in respect of charitable endowments or institutions to which this Act is extended.*—Where, in respect of any charitable endowment or institution to which this Act is extended by reason of the notification issued under section 3,—

(*a*) any scheme has been framed by any Court under section 92 of the Code of Civil Procedure, 1908 (Central Act V of 1908), or

(*b*) any instrument or order of any Court or other authority including a scheme [other than a scheme referred to in clause (*a*)], has been settled or made,

and where any power has been conferred and any duty has been imposed by such scheme, instrument or order on any Court or Judge, officer of the Government (including the Official Trustee) or any other person or body of persons (not being a trustee or trustees or any honorary officer or servant of a religious institution or endowment), such power and duty shall be exercised and discharged by the Commissioner, Deputy Commissioner or Assistant Commissioner, as the case may be, in accordance with the provisions of this Act.".

14. *Amendment of Schedule III, Tamil Nadu Act 22 of 1959.*—In Schedule III to the principal Act,—

(i) under the heading "IV APPLICATIONS TO GOVERNMENT, COMMISSIONER OR DEPUTY COMMISSIONER", in column (1) for the figures and brackets "3 (4)", the figures and brackets "3 (2)" shall be substituted;

(ii) under the heading "V. APPEALS TO GOVERNMENT COMMISSIONER OR DEPUTY COMMISSIONER" in the entries in column (2) against the figures and brackets—

(*a*) "55 (4)" in column (1), for the words "Deputy Commissioner against order of trustee", the words "Deputy

Commissioner or Commissioner against order of competent authority " shall be substituted.

(*b*) " 56 (2) " in column (1), for the words " Deputy Commissioner by office-holder or servant against order of punishment passed by a trustee " the words " Deputy Commissioner or Commissioner by office-holder or servant against order of punishment passed by competent authority " shall be substituted.

15. ***Saving of notifications issued under section* 3, *Tamil Nadu Act* 22 1959.**—All notifications issued under section 3 of the principal Act as in force before the date of publication of this Act in the *Tamil Nadu Government Gazette* shall continue to be in force and shall be deemed to be valid.

வாய்மையே வெல்லும்
TRUTH ALONE TRIUMPHS